

Chapter 2 - Acquisition

1.0 Introduction

This chapter identifies and consolidates user safety and health requirements found in Federal regulations and national standards that address the acquisition of **chemicals** (see def.) and **chemical products** (see def.). It specifically consolidates requirements found in the National Fire Protection Association (NFPA), the Occupational Safety and Health Administration (OSHA), the Bureau of Mines, the Bureau of Alcohol, Tobacco and Firearms and certain Environmental Protection Agency (EPA) regulations and Department of Energy (DOE) Rules and Orders. This also includes technical standards that are made mandatory by their specific reference within a regulation, rule or DOE Order. Direct requirements for acquisition are found in “Federal Acquisition Regulations” (FAR) and “Department of Energy Acquisition Regulations” (DEAR). In addition, there are many regulations and standards that include implied requirements for the acquisition of chemicals and chemical products. Therefore, implied requirements are summarized here but are not included as mandatory requirements in this chapter.

This document is intended only to consolidate existing chemical-related safety and health requirements that overlap or are duplicative. This document does NOT create any new or additional requirements. The listing of consolidated requirements that follows includes “pointers” to the sources of those requirements, permitting the user to track what the requirements are and where each comes from.

2.0 Applicability

This document applies to all locations that purchase or use chemicals, chemical products, or services that involve the use of chemicals or chemical products.

[NOTE: Throughout this document, the term “chemicals” is used to indicate chemicals and/or chemical products.]

3.0 Definitions and Acronyms

ATF: Bureau of Alcohol, Tobacco and Firearms

Approval: Authorization from subject matter experts or the appropriate level of management as defined in local site or facility procedures.

Chemical: Any element, compound or mixture of elements and/or compounds. A substance that a) possesses hazardous properties (including, but not limited to flammability, toxicity, corrosively, reactivity); b) is included on any federal, state, or local agency list of regulated chemicals; or c) is associated with Material Safety Data Sheets (MSDS). For purposes of this document this definition also applies to **chemical products** (see def.)

Chemical Product: A mixture of any combination of two or more chemicals (see def.) that may or may not be the result, in whole or in part, of a chemical reaction, and that itself has hazardous properties. Chemical products include materials such as paints, lubricants, cleaning agents, fuels, etc. that have MSDSs associated with them.

FMPR: Federal Property Management Regulations

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MSDS: Material Safety Data Sheet

Senior Program Official or Designee: controls the acquisition and production of heavy water for a given program.

4.0 Requirements

Sources	Consolidated EHS Requirements
	4.1.1 General (Applicable to all acquisitions involving chemicals)
DOE O 440.1A , 4 (i) 48 CFR 970.5223-1	4.1.2 Hazards associated with all activities involving chemicals that could put the employee at risk of injury or illness shall be identified and evaluated prior to purchase.
10 CFR 1021 48 CFR 970.5223-2	4.1.3 Substitution of materials that are less hazardous and/or have less of an environmental impact shall be evaluated prior to purchase.
DOE O 460.1A , 4 (i)	4.1.4 Packaging and Transportation Safety requirements shall be addressed as a part of the acquisition process.
NFPA 45 7.1	4.1.5 When a chemical is ordered, it's hazards shall be determined and that information shall be provided to those who will receive, store, use, or dispose of the chemical. Restrictions imposed by local governmental regulations and in-house rules shall be followed.
29 CFR 1910.1200(g)(7)(iv) 29 CFR 1910.1200(g)(7)(v) 29 CFR 1910.1450(f)(3)(v)	4.1.6 The manufacturer's Material Safety Data Sheet shall be obtained for all new chemical purchases and shall be made readily available to those who will receive, store, use or dispose of the chemicals.
Source(s)	Additional Procurement Requirements (Non Health and Safety Requirements are Provided for Informational purposes)
	4.2 Alcohol
48 CFR 908.7107 26 CFR 213.141-213.146	4.2.1 Applications to purchase specially denatured alcohol shall be submitted to the ATF
	4.3 Helium
48 CFR 908.7108 The Helium Act (Pub. L. 86-777, as amended (50 U.S.C. 167(d)) 30 CFR part 602	4.3.1 DOE and its authorized contractors shall, to the extent that supplies are readily available, whether in gaseous or liquid form, purchase all major requirements large quantities of helium from the Secretary of Interior, Bureau of Mines, or from the Bureau of Mines distribution contractors eligible to sell Bureau of Mines helium to Federal agencies.
49 FR 11945 (3/ 28/84), as amended 59 FR 9105 (2/ 25/94)	The purchase document shall contain the following statement: "Helium furnished under this contract shall be Bureau of Mines Helium."

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Source(s)

48 CFR 908.7109

FPMR 41 CFR 101-26.602

48 CFR 908.7110 1.1.8

FPMR 41 CFR 101-26.602

4.4 Fuel and Petroleum

4.4.1 Acquisitions of fuel and packaged petroleum products by DOE offices and contractors shall be from Defense sources.

4.4.2 DOE offices and authorized contractors may participate in the Defense Fuel Supply Center (DFSC) coal-contracting program for carloads or larger lots.

4.5 Arms and Ammunition

48 CFR 908.7111

[49 FR 11945, Mar. 28, 1984, as amended at 49 FR 38950, Oct. 2, 1984]

4.5.1 Acquisition of arms and ammunition readily procurable in the civilian market shall be made in accordance with local site acquisition procedures.

4.6 DOE-specific materials acquisitions¹

Contracting activities shall require authorized contractors to obtain the special materials identified in the following subsections in accordance with the procedures stated therein.

4.6.1 Heavy water. The Senior Program Official or designee controls the acquisition and production of heavy water for a given program. Requests for the acquisition or production of heavy water orders shall be placed directly with the cognizant Senior Program Official or designee (see def.).

4.6.2 Precious metals². DOE offices and authorized contractors shall coordinate with the Oak Ridge operating contractor regarding the availability of the above metals prior to the purchase of these metals on the open market.

4.6.3 Lithium³. The DOE Oak Ridge Operations Office supplies of Lithium shall be considered the first source of supply prior to procurement of lithium compounds from any other source.

48 CFR 908.7121

[54 FR 27646, June 30, 1989, as amended at 59 FR 9105, Feb. 25, 1994; 62 FR 2312, Jan. 16, 1997]

¹This section covers the purchase of materials peculiar to the DOE program. While purchases of these materials are unclassified, the specific quantities, destination or use may be classified. See appropriate sections of the Classification Guide.

²The DOE Oak Ridge Operations Office is responsible for maintaining the DOE supply of precious metals. These metals are platinum, palladium, iridium, osmium, rhodium, ruthenium, gold, and silver.

³Lithium is available at no cost other than normal packing, handling, and shipping charges from the DOE Oak Ridge Operations Office.

Appendix A

Source Documents

[49 FR 11945, Mar. 28, 1984, as amended at 49 FR 38950, Oct. 2, 1984]

[49 FR 11945, Mar. 28, 1984, as amended at 59 FR 9105, Feb. 25, 1994]

[54 FR 27646, June 30, 1989, as amended at 59 FR 9105, Feb. 25, 1994; 62 FR 2312, Jan. 16, 1997]

10 CFR 1021, "National Environmental Policy Act Implementing Procedures"

26 CFR 213.141-213.146, INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY - SUBCHAPTER D - MISCELLANEOUS EXCISE TAXES"

29 CFR 1910.1200, "Occupational Safety and Health Standards – Hazard Communication"

29 CFR 1910.1450, "Occupational Safety and Health Standards – Occupational Exposure to Hazardous Chemicals in Laboratories".

30 CFR Part 602, BUREAU OF MINES, DEPARTMENT OF THE INTERIOR - CHAPTER VI - SUBCHAPTER A - HELIUM AND COAL"

48 CFR, "Department of Energy Acquisition Regulations"

DOE O 440.1A, "Worker Protection Management"

DOE O 460.1A, "Packaging and Transportation Safety"

41 CFR 101-26.602 FPMR " FEDERAL PROPERTY MANAGEMENT REGULATIONS - PROCUREMENT SOURCES AND PROGRAM"

NFPA 45 7.1, "Standard on Fire Protection for Laboratories Using Chemicals"

The Helium Act (Pub. L. 86-777, as amended (50 U.S.C. 167(d))